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July 19, 2024

VIA ECF

Honorable Renée Marie Bumb
United States District Court
Mitchell H. Cohen Building and
U.S. Courthouse
Courtroom 3D
4th & Cooper Streets
Camden, NJ 08101

Special Master the Honorable Thomas Vanaskie
Stevens & Lee
1500 Market Street, East Tower
18th Floor
Philadelphia, PA 19103

Re: In re Valsartan, Losartan, and Irbesartan Products Liability Litigation
Case No. 1:19-md-02875-RMB-SAK

Dear Chief Judge Bumb and Special Master Vanaskie:

Pursuant to the Court's July 11, 2024 Order (ECF No. 2771), Defendants submit this letter to provide the list of agenda items for the Case Management Conference with the Court on July 23, 2024. Given the extensive briefing already provided on most of these topics, the parties have agreed not to submit further substantive briefing except as set forth below, but will be prepared to discuss any and all issues at the Court's convenience.

1. Matters Identified in the Court's July 11, 2024 Order (ECF No. 2771):

- a. Potential November 2024 TPP Trial Date



The Honorable Renée Marie Bumb
Special Master the Honorable Thomas Vanaskie
Page 2

- b. The Mansouri Study and Evolving Epidemiological Literature Related to Causation
- c. TPP Trial Motions in Limine

Plaintiffs and the TPP Trial Defendants – ZHP, Teva, and Torrent – discussed and agreed that the below two categories of motions in limine may merit prioritization, to the extent time allows. The TPP Trial Defendants will also be prepared to discuss any other of the pending motions in limine.

- A. **General Causation:** The parties have filed competing motions with regard to whether or what extent general causation should be addressed during the upcoming TPP trial. (Plaintiffs’ MIL 9 and Defendants’ Response to Plaintiffs’ MIL 9). Resolution of this issue will have a significant impact on the parties’ ongoing negotiations with regard to the deposition designations. The parties have preserved a large number of disputes, spanning a great deal of proposed deposition testimony to be played at trial. The Court’s ruling on this issue will provide the parties the necessary guidance to narrow the disputes that may need to be addressed by the Court.
- B. **FDA:** The Plaintiffs have filed motions addressing the extent to which statements by the FDA and actions which were or were not undertaken by the FDA may be used at trial. (*See* Plaintiffs’ MILs 2, 3, 4, 5). The resolution of these issues has the potential to impact a significant number of objections/disputes in the proposed designations.

2. Matters Identified in the Court’s June 21, 2024 Order (ECF No. 2754):

- a. ZHP’s Objections to Special Master Order on Plaintiffs’ Motion for Sanctions Under Rule 37 Against ZHP



The Honorable Renée Marie Bumb
Special Master the Honorable Thomas Vanaskie
Page 3

- b. Defendants' Motion to Reverse SMO 97 Denying Request for Leave to Amend Affirmative Defenses
- c. ZHP's Motion to Amend/Correct re: Ali Afnan and Plaintiffs' Counter Motion
- d. Plaintiffs' Motion to Amend/Correct re: Timothy Anderson
- e. Plaintiffs' TPP Trial Motion re: Deposition Designations

3. Case Management Issues Addressed in the July 9, 2024 Joint Status Report (ECF No. 2770)

- a. Stipulation of Dismissal of Certain Claims in Losartan and Irbesartan Cases
- b. Rule 16 Scheduling Order for Losartan/Irbesartan
- c. PFS Deficiencies and Orders to Show Cause

Defendants note that while no deficiencies or orders to show cause are ripe for the July 23, 2024 CMC, Defendants intend to resume regular submission of these according to the previously established process at the next scheduled CMC.

Respectfully submitted,

/s/ Victoria Davis Lockard

Victoria Davis Lockard

cc: Adam Slater, Esq. (*via email, for distribution to Plaintiffs' Counsel*)
Jessica D. Miller, Esq. (*via email, for distribution to Defendants' Counsel*)
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